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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<table>
<tr><td rowspan="2">Office Action Summary</td><td>Application No.
10/560,809</td><td>Applicant(s)
IWATA ET AL.</td><td></td></tr>
<tr><td>Examiner
JAMES HWA</td><td>Art Unit
2163</td><td></td></tr>
</table>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 June 2008*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,11-13 and 20-23* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 11-13 and 20-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   Applicant has amended claims 1 and 11-13 in the amendment filed on

06/05/2008. Claims 2-10 and 14-19 are cancelled. New claims 20-23 added. Claims 1,

11-13 and 20-23 are pending in this office action.

Response to Arguments

2.   Applicant's arguments with respect to claim 1 have been considered but are moot

in view of the new ground(s) of rejection.

Applicant argued that, Wong fails to disclose or suggest (1) a recording server

including a rule generating unit operable to generate a rule for selecting, from a plurality

of user profiles, a user profile to which a user of a terminal device belongs and (2) a

terminal device including a selecting unit that selects the user profile to which the user

belongs based on the rule generated and received from the recording server in claim 1.

Examiner respectfully disagrees.

In response to applicant arguments, Wong teaches a methodology for receiving

program selection criteria at a server computer (column 5, lines 60; see also figure 20).

A website may exist that enables a user to create a customized filter (e.g. rules) based

on selection criteria provided by the user. The other functionality may have several

programmable levels, similar to the levels of criteria that may be selected with the EPG

function (column 18, lines 50-60). A message is assigned to a recipient having an

associated token based on the filtered representation, which token includes program

criteria (column 4, lines 28-38). The user profile database may be employed to track

program selections and/or token translation requests associated with each client system

(column 34, lines 30-35; see also element 678 of figure 13).

Wong also teaches a database of customized commercials may be stored at

each user's client system, which commercials are selected based on the user profile

associated with the user's client system and dynamically inserted between program

segments in a predefined manner (column 35, lines 2-10). The processor may run a

token generator, which may be an application, function, or method, for accessing the

program database and providing a program GUID according to selection criteria. The

server may receive selection criteria, for example, based on a query entered remotely

by a user, such as at a client system or remote computer. The selection criteria may be

stored as part of a preprogrammed user profile (e.g., stored in the user profile database)

(column 29, lines 44-64; see also elements 30, 40 of FIG. 1B).

Applicant argued that, Wong fails to disclose or suggest (3) each user profile

contains attribute information that indicates a different group of a plurality of groups

belonging to a particular category, as required by claim 1. Examiner respectfully

disagrees.

In response to applicant arguments, Wong teaches the selection criteria may be

stored as part of a preprogrammed user profile (column 29, lines 59-61). The selected

program information provided to the token service system may include a general

purpose program identifier (GPID). A GPID may be utilized to identify a program, such

as by identifying attributes indicative of the program. The program attributes, for

example, may include a title, director, producer, actors and/or actresses, plot, genre,

category, year, etc (column 7, lines 41-47).

Applicant argued that, Wong fails to disclose or suggest (4) that the terminal

device includes a transmission unit that transmits, to the recording server, a program ID

(identifying a program to be recorded that was designated by the user) and associated

user profile information identifying the user profile selected by the selecting unit

according to the rule generated and transmitted by the recording server, as required by

claim 1. Examiner respectfully disagrees.

In response to applicant arguments, Wong teaches a service provider may

employ the token globally unique identifier (GUID), to track a token as it is transmitted

from one computer to another as well as to provide a link between a specific token and

billing information (column 21, lines 4-13). A first computer is operative to connect to a

second computer for filtering through a plurality of audio and/or visual programs based

on selection criteria (e.g. rules) to provide a filtered representation of programs. A

program from the filtered representation of programs may be selected at the first

computer so as to cause a token indicative of the selected program to be assigned to a

recipient operative to receive the token. The recipient may be a user at the first

computer, a third computer, or an entertainment appliance (abstract).

Applicant argued that, Wong fails to disclose or suggest (5) the recording server

includes a counting unit operable to count, for each of the plurality of user profiles, a

number of times each respective program ID included in the received recording

instruction information is associated with user profile information identifying a respective

user profile, as required by claim 1. Examiner respectfully disagrees.

Wong does not explicitly teach the claimed limitation. Mori teaches the automatic

preselection criteria generating unit then sorts programs included in the preselected

program history information according to their genres, counts the number of programs

of each genre viewed or preselected for recording by the user in the past two weeks,

and divides the second number by the first number to obtain the selection rate of each

genre. Count the number of programs in each of the time periods established (page 10,

paragraphs 0234, 0244; see also figures 27 and 29).

Also, Boston teaches commercial metadata is compared with information about

the client's interests and preferences from client profile as well as metadata describing

the current program. A commercial is selected based on the comparison. The selected

commercial is retrieved from commercial and recorded or played for the user. A counter

is incremented for the selected commercial in order to keep track of the number of times

the commercial was recorded or played. The counter information is stored in data store

so that it can be eventually sent to the DVR service provider for analysis and reporting

(page 5, paragraph 0074; see also element 870 of figure 8).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made, having the teachings of Wong, Boston and Mori before

him/her, to modify Wong a counting unit because that would enhance the program

selection from the content-intensive Web according to the program interests of the user

as taught by Mori and Boston (column 40, lines 6-10).

The Examiner will maintain this interpretation of the references until evidence or

support is provided to prove this standpoint wrong. Therefore, the claims remain

rejected under 35 U.S.C. 103(a).

The claims 11-13 and 20-23 lack the necessary physical articles or objects to

constitute a machine or a manufacture within the meaning of 35 USC 101. 101 rejection

is maintained.

Specification

3.   Applicant's amendment to the abstract and specification to improve the English

grammar is acknowledged. The revisions are accepted.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
matter, or any new and useful improvement thereof, may obtain a patent therefore, subject to the
conditions and requirements of the title.

4.   Claims 11-13 and 20-23 are rejected under 35 U.S.C.101 because the language

of the claim raises a question as to whether the claim is directed merely to an abstract

idea that is not tied to a technological art, environment or machine which would result

in a practice application producing a concrete, useful, and tangible result to form the

basis of statutory subject matter under 35 U.S.C 101.

The claims 11-13 and 20-23 lack the necessary physical articles or objects to

constitute a machine or a manufacture within the meaning of 35 USC 101. They are

clearly not a series of steps or act to be a process nor are they a combination of

chemical compounds to be a composition of matter. As such, they fail to fall within a

statutory category. They are, at best, functional descriptive material *per se.*

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 13, 20, 21 and 23 are rejected under 35 U.S.C. 102(e) as being

anticipated by Wong et al. (US Patent No. 6,968,364 B1, hereinafter "Wong").

        As to claim 13, Wong teaches the claimed limitations:

        "A terminal device for instructing, via a network, a recording server to record a

program" as the client system utilizes a television set as both a display device and an

audio output device (column 3, lines 14-16; see also elements 40 of figure 1B).

        "a receiving unit operable to receive, from a user, a designation of a program to

be recorded" as the personal video recorder (PVR) system receives broadcast

programs from a service provider, such as in the form of cable television, satellite, or

another source of programming. The storage device enables a viewer to efficiently

implement a time-shifting function so that the view can watch the recorded program at a

more convenient time (column 2, lines 21-23).

        "a rule obtaining unit operable to receive, from the recording server, a rule for

selecting, from a plurality of user profiles, a user profile to which the user belongs, each

user profile containing attribute information that indicates a different group of a plurality

of groups belonging to a particular category" as the selection criteria may be stored as

part of a preprogrammed user profile (e.g., stored in the user profile database) (column

29, lines 59-61; see also element 678 of figure 13). The token generator employs the

selection criteria to search the program database and determine whether one or more

audio and/or visual programs contained in the program database match the criteria. The

token generator returns a token, which may include a unique program GUID, for each

program substantially matching the selection criteria. By way of example, the token

generator may select a program GUID from the program database for each program

exactly matching the selection criteria. Additionally, the token generator may select

program GUIDs for relatively close matches, such as based on a statistical evaluation of

available programs as compared to the selection criteria (column 30, lines 14-35).

The selected program information provided to the token service system may

include a general purpose program identifier (GPID). A GPID may be utilized to identify

a program, such as by identifying attributes indicative of the program. The program

attributes, for example, may include a title, director, producer, actors and/or actresses,

plot, genre, category, year, etc (column 7, lines 41-47).

"a rule storing unit operable to store the rule received by the rule obtaining unit; a

selecting unit operable to select the user profile to which the user of the terminal device

belongs" as the feature of a PVR system relates to intelligent recording of programming.

One example of intelligent recording enables a user to program one or more keywords

that are searched for on the electronic program guides (EPG) program listings stored at

the PVR. The PVR, in turn, automatically records shows that match the search criteria

(column 2, lines 61-66). The processor may run a token generator, which may be an

application, function, or method, for accessing the program database and providing a

program GUID according to selection criteria. The server may receive selection criteria,

for example, based on a query entered remotely by a user, such as at a client system or

remote computer. The selection criteria may be stored as part of a preprogrammed user

profile (e.g., stored in the user profile database) (column 29, lines 44-64; see also

elements 30, 40 of FIG. 1B).

"a transmission information generating unit operable to generate recording

instruction information, the recording instruction information including a program ID

identifying the program to be recorded and associated user profile information

identifying the user profile selected by the selecting unit; and a transmission unit

operable to transmit, to the recording server, the recording instruction information" as a

service provider may employ the token globally unique identifier (GUID), to track a token

as it is transmitted from one computer to another as well as to provide a link between a

specific token and billing information (column 21, lines 4-13). A first computer is

operative to connect to a second computer for filtering through a plurality of audio

and/or visual programs based on selection criteria (e.g. rules) to provide a filtered

representation of programs. A program from the filtered representation of programs may

be selected at the first computer so as to cause a token indicative of the selected

program to be assigned to a recipient operative to receive the token. The recipient may

be a user at the first computer, a third computer, or an entertainment appliance

(abstract).

As to claim 20, Wong teaches the claimed limitations:

"a selected program information obtaining unit operable to obtain selected

program information identifying a one-to-one correspondence between (i) each piece of

program information, of a plurality of pieces of program information, that respectively

identifies a program and (ii) each piece of user profile information, of a plurality of

pieces of user profile information, that respectively represents a user profile of the

plurality of user profiles; and an output unit operable to output the selected program

information obtained by the selected program information obtaining unit" as

broadcasters and/or advertisers may select demographically pertinent advertisements

(broadcast as program segments) according to a stored profile of users that request

tokens and/or token translations for a specific program. The advertisements may be

implemented by providing local program data for a program that includes time, date,

and channel data for program segments corresponding to the program segments

requested by a user and to program segments corresponding to advertisements

selected by the network or advertisers (column 34, lines 14-30).

As to claim 21, Wong teaches the claimed limitations:

"a notifying data generating unit operable to extract, from the selected program

information obtained by the selected program information obtaining unit, a piece of

program information corresponding to the user profile to which the user belongs, and

operable to generate notifying data, wherein the output unit outputs the notifying data

generated by the notifying data generating unit" as the storing of selection criteria may

be implemented automatically or at the request of the user. The stored selection

database may store pertinent selection criteria in association with information identifying

the user or the computer of the user (e.g., an email address or other information

identifying the user's PVR) who implemented the request. As a result, a notification

and/or one or more tokens (e.g., containing a program GUID(s) or other program

characteristics) corresponding to the selection criteria may subsequently be provided to

the user, such as via email or other data communication mechanisms (column 30, lines

37-54).

       As to claim 23, Wong teaches the claimed limitations:

       "the receiving unit receives an input of personal information from the user of the

terminal device; and the selecting unit selects the user profile to which the user belongs,

the selecting being based on the personal information and the rule stored in the rule

storing unit" as the user profile database may be employed to track program selections

and/or token translation requests associated with each client system, such as based on

a PVR GUID. The user profile database, for example, may correlate token-related

information of the database with user-provided information associated with a particular

PVR. The user-provided information, for example, may include general information

about the user (column 34, lines 30-40).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the

prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6.   Claims 1 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wong et al. (US Patent No. 6,968,364 B1) in view of Mori et al. (US Patent Application No. 2004/0210932 A1, hereinafter "Mori") and Boston et al. (US Patent Application No. 2004/0001690 A1, hereinafter "Boston").

As to claim 1, Wong teaches the claimed limitations:

"A network recording system including a plurality of terminal devices and a recording server connected to the terminal devices via a network, wherein each of the terminal devices" as the client system utilizes a television set as both a display device and an audio output device (column 3, lines 14-16; see also elements 40 of figure 1B). One or more servers that provide a portal to program criteria that may be selectively obtained and, in turn, employed to program operation of a recording system (column 9, lines 23-27; see also elements 20, 50 of figure 1B).

"A receiving unit operable to receive, from a user, a designation of a program to be recorded" as the personal video recorder (PVR) system receives broadcast programs from a service provider, such as in the form of cable television, satellite, or another source of programming. The storage device enables a viewer to efficiently implement a time-shifting function so that the view can watch the recorded program at a more convenient time (column 2, lines 21-23).

"A selecting unit operable to select, from a plurality of user profiles, a user profile to which the user belongs, each user profile containing attribute information that indicates a different group of a plurality of groups belonging to a particular category" as the selection criteria may be stored as part of a preprogrammed user profile (e.g., stored in the user profile database) (column 29, lines 59-61; see also element 678 of figure 13). The selected program information provided to the token service system may include a general purpose program identifier (GPID). A GPID may be utilized to identify a program, such as by identifying attributes indicative of the program. The program attributes, for example, may include a title, director, producer, actors and/or actresses, plot, genre, category, year, etc (column 7, lines 41-47).

"A first transmission unit operable to transmit recording instruction information to the recording server, the recording instruction information including a program ID identifying the program to be recorded and associated user profile information identifying the user profile selected by the selecting unit" as the token schema may include a globally unique identifier for a token (a token GUID), which uniquely identifier a respective token obtained from a server. A service provider may employ the token

GUID, to track a token as it is transmitted from one computer to another as well as to

provide a link between a specific token and billing information, such as in situations

when a token corresponds to a program that has been purchased or rented from a

service provider (column 21, lines 4-13). One example of intelligent recording enables a

user to program one or more keywords that are searched for on the EPG program

listings stored at the personal video recorder (PVR) (column 2, lines 62-64). One type of

VTR system employs a feature that enables a user to record a pre-selected program by

entering a unique program identification number associated with a specific program

(column 1, lines 50-53).

"Wherein the recording server comprises: a reception unit operable to receive the

recording instruction information from each terminal device" as the system includes one

or more servers that provide a portal to program criteria that may be selectively

obtained and, in turn, employed to program operation of a recording system. The server

may provide network services, such as storing information, including program

characteristics, links to program-related information, tokens, etc., for numerous audio

and/or visual programs. The services provided by the server may be used in conjunction

with software running in the remote computer and/or each of a plurality of client

systems. The services enable a user to browse the Web, search and obtain information

content contained on the server, send and/or receive electronic mail, and to make use

of the Internet in various other known ways (column 9, lines 21-39).

"A recording unit operable to record the program identified by the program ID

included in the received recording instruction information" as the token service system is

operable to convert program information into a useable format, which may be employed

to program the recording system to record a selected program in the tuning space

associated with the recording system based on the program information. The program

information, for example, may include a universal program identifier (UPID) that

identifies a specific program that is scheduled to be broadcast (column 7, lines 31-41).

"A rule generating unit operable to generate a rule for selecting, from the plurality

of user profiles, the user profile to which the user belongs" as the selection criteria may

be stored as part of a preprogrammed user profile (e.g., stored in the user profile

database) (column 29, lines 59-61; see also element 678 of figure 13). The token

generator employs the selection criteria to search the program database and determine

whether one or more audio and/or visual programs contained in the program database

match the criteria. The token generator returns a token, which may include a unique

program GUID, for each program substantially matching the selection criteria. By way of

example, the token generator may select a program GUID from the program database

for each program exactly matching the selection criteria. Additionally, the token

generator may select program GUIDs for relatively close matches, such as based on a

statistical evaluation of available programs as compared to the selection criteria (column

30, lines 14-35).

"a second transmission unit operable to transmit, to each of the terminal devices,

the rule generated by the rule generating device" as one or more of the databases at

the server are queried to locate a program ID matching the program criteria contained in

the translation request. The program criteria in the translation request may include a

program ID or other data identifying a specific program. After one or more program IDs

are located based on the selection criteria (column 43, lines 44-50; see also element

928 of figure 21). The remote computer may be employed to send to one or more client

systems an email message having a token(s) indicative of program criteria selected by

the user of the remote PC. The use of specific tokens for each program enables other

clients receiving the emails with tokens to selectively determine which of the programs it

will record (column 17, lines 51-57).

"wherein each of the terminal devices further comprises a rule storing unit

operable to receive and store the rule transmitted from the second transmission unit of

the recording server" as the feature of a PVR system relates to intelligent recording of

programming. One example of intelligent recording enables a user to program one or

more keywords that are searched for on the electronic program guides (EPG) program

listings stored at the PVR. The PVR, in turn, automatically records shows that match the

search criteria (column 2, lines 61-66).

"wherein the selecting unit of each terminal device selects the user profile to

which the user belongs based on the rule stored in the rule storing unit of each

respective terminal device" as the processor may run a token generator, which may be

an application, function, or method, for accessing the program database and providing a

program GUID according to selection criteria. The server may receive selection criteria,

for example, based on a query entered remotely by a user, such as at a client system or

remote computer. The selection criteria may be stored as part of a preprogrammed user

profile (e.g., stored in the user profile database) (column 29, lines 44-64; see also

elements 30, 40 of FIG. 1B).

Wong does not explicitly teach the claimed limitation "A counting unit operable to

count, for each of the plurality of user profiles, a number of times each respective

program ID included in the received recording instruction information is associated with

user profile information identifying a respective user profile".

Mori teaches the automatic preselection criteria generating unit then sorts

programs included in the preselected program history information according to their

genres, counts the number of programs of each genre viewed or preselected for

recording by the user in the past two weeks, and divides the second number by the first

number to obtain the selection rate of each genre. Count the number of programs in

each of the time periods established. Here, a program whose time slot is

10:30.about.11:30 is Counted as one program in the 10:00.about.13:00 time period.

Then choose a time period that has the largest number of programs (page 10,

paragraphs 0234, 0244; see also figures 27 and 29).

Also, Boston teaches commercial metadata is compared with information about

the client's interests and preferences from client profile as well as metadata describing

the current program. A commercial is selected based on the comparison. The selected

commercial is retrieved from commercial and recorded or played for the user. A counter

is incremented for the selected commercial in order to keep track of the number of times

the commercial was recorded or played. The counter information is stored in data store

so that it can be eventually sent to the DVR service provider for analysis and reporting

(page 5, paragraph 0074; see also element 870 of figure 8).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made, having the teachings of Wong, Boston and Mori before

him/her, to modify Wong a counting unit because that would enhance the program

selection from the content-intensive Web according to the program interests of the user

as taught by Mori (column 40, lines 6-10).

As to claim 11, Wong teaches the claimed limitations:

"A recording server" as one or more servers that provide a portal to program

criteria that may be selectively obtained and, in turn, employed to program operation of

a recording system (column 9, lines 23-27; see also elements 20, 50 of figure 1B).

"a rule generating unit operable to generate a rule for selecting, from a plurality of user

profiles, a user profile to which a user belongs, each user profile containing attribute

information that indicates a different group of a plurality of groups belonging to a

particular category" as a methodology for receiving program selection criteria at a server

computer (column 5, lines 60; see also figure 20). A website may exist that enables a

user to create a customized filter (e.g. rules) based on selection criteria provided by the

user. The other functionality may have several programmable levels, similar to the

levels of criteria that may be selected with the EPG function (column 18, lines 50-60). A

message is assigned to a recipient having an associated token based on the filtered

representation, which token includes program criteria (column 4, lines 28-38). The user

profile database may be employed to track program selections and/or token translation

requests associated with each client system (column 34, lines 30-35; see also element

678 of figure 13).

The selection criteria may be stored as part of a preprogrammed user profile

(column 29, lines 59-61). The selected program information provided to the token

service system may include a general purpose program identifier (GPID). A GPID may

be utilized to identify a program, such as by identifying attributes indicative of the

program. The program attributes, for example, may include a title, director, producer,

actors and/or actresses, plot, genre, category, year, etc (column 7, lines 41-47).

"a transmission unit operable to transmit the rule generated by the rule

generating unit" as a service provider may employ the token globally unique identifier

(GUID), to track a token as it is transmitted from one computer to another as well as to

provide a link between a specific token and billing information (column 21, lines 4-13).

A first computer is operative to connect to a second computer for filtering through

a plurality of audio and/or visual programs based on selection criteria (e. g. rules) to

provide a filtered representation of programs. A program from the filtered representation

of programs may be selected at the first computer so as to cause a token indicative of

the selected program to be assigned to a recipient operative to receive the token. The

recipient may be a user at the first computer, a third computer, or an entertainment

appliance (abstract).

"a reception unit operable to receive, from an external device, recording

instruction information including a program ID identifying a program to be recorded and

associated user profile information identifying the user profile to which the user belongs"

as the personal video recorder (PVR) system receives broadcast programs from a

service provider, such as in the form of cable television, satellite, or another source of

programming. The PVR system also may employ a video compression system in

combination with an analog-to-digital converter for converting analog broadcast signals

into a suitable digital format. Alternatively or additionally, the PVR system may receive

broadcast signals in a digital format. One example of intelligent recording enables a

user to program one or more keywords that are searched for on the EPG program

listings stored at the PVR (column 2, lines 20-64). The token schema may include a

globally unique identifier for a token (a token GUID), which uniquely identifier a

respective token obtained from a server. A service provider may employ the token

GUID, to track a token as it is transmitted from one computer to another as well as to

provide a link between a specific token and billing information, such as in situations

when a token corresponds to a program that has been purchased or rented from a

service provider (column 21, lines 4-13).

"a recording unit operable to record the program identified by the program ID

included in the received recording instruction information" as the token service system is

operable to convert program information into a useable format, which may be employed

to program the recording system to record a selected program in the tuning space

associated with the recording system based on the program information. The program

information, for example, may include a universal program identifier (UPID) that

identifies a specific program that is scheduled to be broadcast (column 7, lines 31-41).

Wong does not explicitly teach the claimed limitation "A counting unit operable to count, for each of the plurality of user profiles, a number of times each respective program ID included in the received recording instruction information is associated with user profile information identifying a respective user profile; Wherein the rule generating unit generates the rule using a result of the counting performed by the counting unit".

Mori teaches the automatic preselection criteria generating unit then sorts programs included in the preselected program history information according to their genres, counts the number of programs of each genre viewed or preselected for recording by the user in the past two weeks, and divides the second number by the first number to obtain the selection rate of each genre. Count the number of programs in each of the time periods established (page 10, paragraphs 0234, 0244; see also figures 27 and 29).

The automatic preselection criteria generating unit generates automatic program preselection criteria based on the preselected program history information stored in the preselected program history storing unit (page 8, paragraph 0199; see also figures 23, 24).

Also, Boston teaches commercial metadata is compared with information about the client's interests and preferences from client profile as well as metadata describing the current program. A commercial is selected based on the comparison. The selected commercial is retrieved from commercial and recorded or played for the user. A counter is incremented for the selected commercial in order to keep track of the number of times the commercial was recorded or played. The counter information is stored in data store

so that it can be eventually sent to the DVR service provider for analysis and reporting

(page 5, paragraph 0074; see also element 870 of figure 8).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made, having the teachings of Wong, Boston and Mori before

him/her, to modify Wong a counting unit because that would enhance the program

selection from the content-intensive Web according to the program interests of the user

as taught by Mori (column 40, lines 6-10).

As to claim 12, Wong teaches the claimed limitations:

"a selection unit operable to select programs in one-to-one correspondence with

user profiles; a selected program information transmission unit operable to generate

selected program information and transmit the selected program information to the

external device the selected program information identifying a one-to-one

correspondence between (i) each piece of program information, of a plurality of pieces

of program information, that identifies a program selected by the selection unit and (ii)

each piece of user profile information, of a plurality of pieces of user profile information,

that represents a user profile" as a service provider may employ the token globally

unique identifier (GUID) (e.g. one-to-one correspondence), to track a token as it is

transmitted from one computer to another as well as to provide a link between a specific

token and billing information (column 21, lines 4-13). A first computer is operative to

connect to a second computer for filtering through a plurality of audio and/or visual

programs based on selection criteria (e.g. rules) to provide a filtered representation of

programs. A program from the filtered representation of programs may be selected at the first computer so as to cause a token indicative of the selected program to be assigned to a recipient operative to receive the token. The recipient may be a user at the first computer, a third computer, or an entertainment appliance (abstract).

The selection criteria may be stored as part of a preprogrammed user profile (column 29, lines 59-61). The selected program information provided to the token service system may include a general purpose program identifier (GPID). A GPID may be utilized to identify a program, such as by identifying attributes indicative of the program. The program attributes, for example, may include a title, director, producer, actors and/or actresses, plot, genre, category, year, etc (column 7, lines 41-47).

Wong does not explicitly teach the claimed limitation "the selecting being based on the result of the counting performed by the counting unit".

Mori teaches the automatic preselection criteria generating unit then sorts programs included in the preselected program history information according to their genres, counts the number of programs of each genre viewed or preselected for recording by the user in the past two weeks, and divides the second number by the first number to obtain the selection rate of each genre. Count the number of programs in each of the time periods established (page 10, paragraphs 0234, 0244; see also figures 27 and 29). The automatic preselection criteria generating unit generates automatic program preselection criteria based on the preselected program history information stored in the preselected program history storing unit (page 8, paragraph 0199; see also figures 23, 24).

Also, Boston teaches commercial metadata is compared with information about the client's interests and preferences from client profile as well as metadata describing the current program. A commercial is selected based on the comparison. The selected commercial is retrieved from commercial and recorded or played for the user. A counter is incremented for the selected commercial in order to keep track of the number of times the commercial was recorded or played. The counter information is stored in data store so that it can be eventually sent to the DVR service provider for analysis and reporting (page 5, paragraph 0074; see also element 870 of figure 8).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, having the teachings of Wong, Boston and Mori before him/her, to modify Wong a counting unit because that would enhance the program selection from the content-intensive Web according to the program interests of the user as taught by Mori (column 40, lines 6-10).

7.   Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wong et al. (US Patent No. 6,968,364 B1) as applied to claim 13 above, and further in view of Mori et al. (US Patent Application No. 2004/0210932 A1).

As to claim 22, Wong teaches the claimed limitations:

"a program guide information obtaining unit operable to obtain program guide information showing program IDs and corresponding genre IDs that represent program genres of programs identified by respective program IDs; the program being received by the receiving unit, and operable to store a history that relates to the determined genre

ID, wherein the selecting unit selects the user profile to which the user belongs" as the

received program selection is processed into a suitable request format. The request, for

example, may include information identifying an audio and/or visual program (e.g.,

universal program identifier (UPID), a globally unique identifier (GUID)) as well as other

information identifying one or more users or recording systems. The other identifying

information may include a user ID, a PVR ID or address, and/or other data for

determining more specific identifying information associated with one or more users

and/or client systems (column 45, lines 45-60; see also figure 24).

A general purpose program identifier (GPID) may be utilized to identify a

program, such as by identifying attributes indicative of the program. The program

attributes, for example, may include a title, director, producer, actors and/or actresses,

plot, genre, category, year, etc (column 7, lines 31-46).

The ratings database, for example, may store information about the viewership of

each program, about the viewing history of each individual or recording system, the

viewing history within a local tuning space, etc (column 33, lines 58-67).

Wong does not explicitly teach the claimed limitation "a history storing unit

operable to determine a genre ID corresponding to a program ID identifying the program

to be recorded with reference to the program guide information; the selecting being

based on the history stored in the history storing unit and the rule stored in the rule

storing unit".

Mori teaches this program preselecting apparatus is roughly made up of an

inputting unit, a preselection managing unit, a preselected program history storing unit,

an automatic preselection criteria generating unit, an automatic preselection criteria

storing unit, an electronic program guide searching unit, an electronic program guide

storing unit, a preselected program table storing unit. The automatic preselection criteria

generating unit generates automatic program preselection criteria based on the

preselected program history information stored in the preselected program history

storing unit 23 (page 8, paragraph 0193-0199). Find a genre which was most frequently

viewed or preselected for recording by the user in a program group, and retrieve

programs of the genre from the program group. Here, the program group denotes a

group of all programs included in the preselected program history information in the

preselected program history_storing unit 23 (page 9, paragraph 0222).

  Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made, having the teachings of Wong and Mori before him/her, to

modify Wong selecting based on the history stored in the history storing unit because

that would enhance the program selection from the content-intensive Web according to

the program interests of the user as taught by Mori (column 40, lines 6-10).

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office Action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

  A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to James Hwa whose telephone number is 571-270-1285.

The examiner can normally be reached on 8:00 – 5:00. If attempts to reach the

examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be

reached on 571-272-1834. The fax phone number for the organization where this

application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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Status information for unpublished applications is available through Private PAIR only,

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you have questions on access to the PAIR system contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO

Customer Service Representative or access to the automated information system, call

800-786-9199 (IN USA OR CANADA) or 571-272-1000.

09/01/2008

/James Hwa/
Examiner, Art Unit 2163

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Primary Examiner, Art Unit 2169